ORDER OF THE STATE PERSONNEL BOARD

BRIAN GONZALES,

Complainant,

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DEPARTMENT OF CORRECTIONS, YOUTHFUL OFFENDER SYSTEM,

Respondent.

The State Personnel Board (the "Board") met in public session on October 17, 2000. During this public session, the Board considered the record on appeal, including but not limited to:

- 1. Initial Decision of the Administrative Law Judge
- 2. Opening Brief of Respondent-Appellant
- Answer Brief
- 4. Reply Brief of Respondent-Appellant
- 5. Supplemental Decision of the Administrative Law Judge
- Response to Interim Order of the State Personnel Board.

The Board voted to adopt the findings of fact of the Administrative Law Judge in the Initial Decision of the Administrative Law Judge, but to reverse the Administrative Law Judge on all of the conclusions of law. The Board found that Respondent's action in terminating Complainant was not arbitrary, capricious or contrary to rule or law; that the discipline imposed was within the range of alternatives available to the appointing authority; and that Complainant is not entitled to an award of attorney fees and costs.

The Board also found that security issues, such as those raised in this case, are important, especially in the correctional setting; therefore, the termination was justified.

This order represents the affirmative vote of the following Board members: Ms. Hoffman, Ms. Daly, and Mr. Zakhem. Ms. Lottner was absent.

Dated this day Of October, 2000.	
	Joy Hoffman
	Board Chair
	State Personnel Board
	1120 Lincoln Street, Suite 1420
	Denver, CO 80203
NOTICE OF APPEAL	
Each party has the following rights:	

Each party has the following rights:

- 1. To abide by this decision of the State Personnel Board; or
- 2. To appeal this decision to the Colorado Court of Appeals within 45 days pursuant to Section 24-4-106(11), C.R.S. (2000), as provided in Section 24-50-125.4(3), C.R.S. (2000).

In the event the decision is appealed, the Board requests that a copy of the Notice of Appeal filed with the Court of Appeals also be filed with the State Personnel Board at: 1120 Lincoln Street, Suite 1420, Denver, CO 80203. Such will aide in the timely preparation of the record.

CERTIFICATE OF MAILING This is to certify that on the _____ day of October, 2000, I placed true copies of the foregoing ORDER OF THE STATE PERSONNEL BOARD, in the United States mail, postage prepaid, addressed as follows: Charles F. Kaiser Attorney at Law 1801 Broadway, Suite 1100 Denver, CO 80202 And in the interagency mail, addressed as follows: Susan J. Trout Assistant Attorney General **Employment Section** 1525 Sherman Street, 5th Floor Denver, CO 80203